

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN H. PHAIR,) CASE NO. C05-0721-JLR-MAT
)
Petitioner,)
)
v.) ORDER OF DISMISSAL
)
ALICE PAYNE,)
)
Respondent.)
_____)

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's § 2254 petition is DENIED, and this action is DISMISSED; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

DATED this 21st day of November, 2005.

s/James L. Robart

JAMES L. ROBART
United States District Judge

ORDER OF DISMISSAL